

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 438 Session of
1989

INTRODUCED BY LAUGHLIN, THOMAS, VEON, MELIO, DeWEESE, MAINE,
BISHOP, PISTELLA, WAMBACH, McCALL, COLAFELLA, PETRONE, TRELLO
AND RITTER, FEBRUARY 14, 1989

REFERRED TO COMMITTEE ON HEALTH AND WELFARE, FEBRUARY 14, 1989

AN ACT

1 Providing for the establishment of a Lead Poisoning Program in
2 the Department of Health; imposing a tax on the sale or use
3 of paint; establishing the Lead Poisoning Program Account;
4 and making an appropriation.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Legislative intent.

8 The presence of lead in the environment in many areas of this
9 Commonwealth poses a substantial health threat to the citizens
10 of Pennsylvania. The absorption or ingestion of lead into the
11 body is a well-documented medical hazard, particularly among
12 young children. It is the intention of this legislation to
13 expand and supplement the current projects and programs
14 concerning lead poisoning which are being conducted by the
15 Department of Health and various political subdivisions of the
16 Commonwealth, and to provide additional funding for these
17 programs.

18 Section 2. Definitions.

1 The following words and phrases when used in this act shall
2 have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 "Lead poisoning." The presence in the bloodstream of levels
5 of lead in excess of those levels determined to be safe or
6 acceptable by the Center for Disease Control.

7 "Paint." A mixture of a pigment in a liquid, used as a
8 decorative or protective coating.

9 "Program." The Lead Poisoning Program established by section
10 3.

11 "Purchase price." The purchase price, as defined in section
12 201 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax
13 Reform Code of 1971, of paint.

14 "Sale at retail." The sale at retail, as defined in section
15 201 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax
16 Reform Code of 1971, of paint.

17 "Secretary." The Secretary of Health of the Commonwealth.

18 "Use." The use, as defined in section 201 of the act of
19 March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of
20 1971, of paint.

21 Section 3. Establishment of program.

22 (a) Elements of program.--The secretary shall establish a
23 statewide Lead Poisoning Program, which shall include, but not
24 be limited to, the following elements:

25 (1) The identification of geographic areas in this
26 Commonwealth in which the residents are at a substantial risk
27 of lead poisoning.

28 (2) The periodic screening for lead poisoning of
29 children five years of age or younger who reside in those
30 areas identified pursuant to paragraph (1).

1 (3) The medical examination and diagnosis of persons
2 subject to a substantial risk of lead poisoning.

3 (4) The medical treatment of persons with lead
4 poisoning.

5 (5) The emergency abatement of residential environmental
6 conditions which have caused lead poisoning in children,
7 including removal or covering of paint, plaster, soil or
8 other materials which contain dangerous levels of lead.

9 (6) Public education and awareness programs concerning
10 lead poisoning.

11 (b) Eligibility for program.--The secretary may establish
12 financial eligibility criteria for those persons receiving
13 services pursuant to subsection (a)(3), (4) and (5).

14 Section 4. Staffing and contracts.

15 The secretary may hire such persons or enter into such
16 contracts or agreements with political subdivisions of the
17 Commonwealth, other departments or agencies of the Federal or
18 State government, private agencies, or any other persons as are
19 necessary for carrying out the purposes of this act.

20 Section 5. Displacement of funds.

21 Funds provided by this act may not be used to replace Federal
22 or local funding provided for the same purposes as funds
23 provided under this act for programs in existence on the
24 effective date of this act.

25 Section 6. Funding.

26 (a) Imposition of tax on paint.--There is hereby imposed
27 upon each separate sale at retail or use of paint within this
28 Commonwealth a tax of one-half of 1% of the purchase price of
29 the paint. The tax shall be collected and paid to the Department
30 of Revenue in the same manner and at the same times as the tax

1 imposed by Article II of the act of March 4, 1971 (P.L.6, No.2),
2 known as the Tax Reform Code of 1971. Those persons required to
3 collect or pay the tax imposed by Article II of the Tax Reform
4 Code of 1971 shall be likewise required to collect or pay the
5 tax imposed by this act and shall be subject to the same
6 penalties for noncompliance. The Secretary of Revenue shall
7 promulgate regulations to implement the provisions of this
8 section.

9 (b) Creation of account.--There is hereby created within the
10 State Treasury a special restricted receipts account to be known
11 as the Lead Poisoning Program Account. All moneys collected
12 pursuant to subsection (a) shall be deposited by the Secretary
13 of Revenue and the State Treasurer into this account and shall
14 be used solely for the purpose of funding the Lead Poisoning
15 Program. The General Assembly shall annually appropriate funds
16 from the account for the purposes provided for in this act. The
17 funds so appropriated shall not lapse, but shall be returned to
18 the account if not spent.

19 Section 7. Appropriation.

20 The sum of \$2,500,000 is hereby appropriated from the Lead
21 Poisoning Program Account to the Department of Health for the
22 fiscal year July 1, 1989, to June 30, 1990, for the initiation
23 of the Lead Poisoning Program.

24 Section 8. Expiration.

25 The provisions of this act shall expire five years from the
26 effective date of this act.

27 Section 9. Effective date.

28 This act shall take effect in 60 days.